

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

COZETTA DAVIS,)	
)	No: 09 CV 6406
Plaintiff,)	
)	
v.)	Judge Robert M. Dow, Jr.
)	
OFFICERS MARK GUTKOWSKI,)	
RUBEN ORTA, DONTA HAYES,)	
JORGE RIVERA, ANGEL AMADOR,)	
NICHOLAS EVANGELIDES, VRENTAS)	
STAR # 13733, LIBERTI STAR #15851,)	
SGT. MARK BLASSUCCI, AND)	
THE CITY OF CHICAGO,)	
A MUNICIPAL CORPORATION)	JURY DEMAND
)	
Defendants.)	

THIRD AMENDED COMPLAINT

JURISDICTION

1. The jurisdiction of this Court is invoked pursuant to the Civil Rights Act, 42 U.S.C. Sections 1983 and 1988; 28 U.S.C. Sections 1331 and 1343 (a); and the Constitution of the United States, and supplemental jurisdiction under 28 U.S.C. Section 1337.

PARTIES

2. Plaintiff Cozetta Davis is a nineteen-year-old African-American female, a citizen of the United States, and a resident of Chicago, Illinois.

3. Defendant Officers Mark Gutkowski, Ruben Orta, Donta Hayes, Jorge Rivera, Angel Amador, Nicholas Evangelides, Vrentas Star # 13733, Liberti Star #15851

and Sgt. Mark Blassucci are/were police officers employed by the City of Chicago, and were at all times relevant to the facts alleged in this complaint, acting within the scope of their employment and under color of law. All Defendant Officers are being sued individually.

4. The City of Chicago, a municipal corporation within the State of Illinois and the employer of all Defendant Police Officers, was at all times material to this Complaint.

FACTS

5. On April 21, 2009, Officers Mark Gutkowski, Ruben Orta, Donta Hayes, Jorge Rivera, Angel Amador, Nicholas Evangelides, Vrentas, Liberti and Sgt. Mark Blassucci executed a search warrant at Plaintiff's home located in the 100 block of North Laporte Avenue. Plaintiff was in the bathroom when she heard banging on the bathroom door. Plaintiff had just finished taking a shower and was only wearing shorts.

6. One of the male Defendant officers came into the bathroom with his gun drawn. Cozetta immediately asked him what he was doing, and instead of responding, he glared at her and repeatedly knocked her hands away from her breast as she helplessly tried to cover up her nakedness.

7. Cozetta, unsure of who the officer was, continued to ask him why he was in her house and if he had a search warrant. In response, the officer told her to be quiet and continued to stare at her exposed breast. After some time had passed, Officers Vrentas and Liberti entered the bathroom and placed Cozetta in handcuffs.

8. Officers Vrentas and Liberti took off Cozetta's shorts and spread her legs with the bathroom door still open, allowing the other male officers to walk by and see her undressed body. Cozetta asked them to close the door but the officers refused.

9. Officers Vrentas and Liberti both performed a body cavity search of Cozetta's rectum and vagina without gloves. Cozetta asked Officers Vrentas and Liberti for permission to obtain a sanitary pad and underwear because she was menstruating at the time. The officers refused to allow her to do so.

10. After the demeaning and evasive cavity search, the officers allowed Cozetta to only put back on her shorts and made her sit in the living room. She was forced to sit with her breasts exposed, in view of other officers as well as passing neighbors since the officers had broken down the front door.

11. Cozetta again asked for permission to put on more clothes a sanitary pad but one of the male Defendant officers told her to shut up and be quiet.

12. Cozetta continued to sit topless on the couch, crying, while one of the officers made threats about taking her little brother into foster care.

13. The Defendant Officers ransacked the entire house and after about two hours, they finally un-cuffed Cozetta. Cozetta immediately put on a shirt and asked the Defendant Officers if they had a search warrant. The officers didn't show her a warrant, but instead, told her to look for it.

14. Cozetta eventually found a warrant after the officers had left. The warrant named a person unknown to Ms. Davis, a person who certainly did not reside at her residence.

15. As a direct and proximate result of the Defendant Officers' actions that are detailed above, Plaintiff Cozetta Davis endured pain and suffering, severe mental and emotional distress, humiliation, and loss of liberty.

COUNT I

42 U.S.C. § 1983 - Fourth Amendment Protection Against Illegal Detention

(1-15). Plaintiff Cozetta Davis, alleges and re-alleges paragraphs 1 through 15 as fully set forth above.

16. The Defendant Officers Mark Gutkowski, Ruben Orta, Donta Hayes, Jorge Rivera, Angel Amador, Nicholas Evangelides, Vrentas, Liberti, and Sgt. Mark Blassucci intentionally, willfully, maliciously, and/or wantonly violated Ms. Davis's Fourth Amendment right against illegal detention and seizure and unreasonably deprived Plaintiff of her liberty during the search of her home which directly and proximately caused Plaintiff serious mental injuries and emotional suffering.

WHEREFORE, Plaintiff Cozetta Davis, demands \$50,000 in compensatory damages against all individual Defendant Officers, and because the Defendants acted maliciously, willfully and/or wantonly, Plaintiff demands \$50,000 in punitive damages from each individual Defendant, plus costs, attorney's fees, and such other additional relief as this Court deems equitable and just.

COUNT II

42 U.S.C. § 1983 - Fourth Amendment Protection Against Illegal Search & Seizure

(1-15). Plaintiff Cozetta Davis, alleges and re-alleges paragraphs 1 through 15 as fully set forth above.

16. The Defendant Officers Mark Gutkowski, Ruben Orta, Donta Hayes, Jorge Rivera, Angel Amador, Nicholas Evangelides, Vrentas, Liberti, and Sgt. Mark Blassucci violated Ms. Davis's right to the protections afforded by the Fourth Amendment against unreasonable searches and seizures and willfully violated Ms. Davis's right to be free from unreasonable seizure in her own home.

17. The aforementioned acts of the Defendant Officers were done intentionally, willfully, or maliciously, and directly and proximately caused Ms. Davis's serious mental injuries and emotional suffering.

WHEREFORE, Plaintiff Cozetta Davis, demands \$50,000 in compensatory damages against Defendant all the individual defendant officers, and because the Defendants acted maliciously, willfully and/or wantonly, Plaintiff demands \$50,000 in punitive damages from each individual Defendant, plus costs, attorney's fees, and such other additional relief as this Court deems equitable and just.

COUNT III

42 U.S.C. § 1983 - First Amendment Right to Privacy

(1-15). Plaintiff Cozetta Davis alleges and re-alleges paragraphs 1 through 15 as though fully set forth herein.

16. The aforesaid acts of Defendant Officers Mark Gutkowski, Ruben Orta, Donta Hayes, Jorge Rivera, Angel Amador, Nicholas Evangelides, Vrentas, Liberti, and Sgt. Mark Blassucci were done intentionally, maliciously, willfully and wantonly and with such reckless disregard for the Plaintiff's First Amendment right to privacy as to constitute a violation of the Plaintiff's 42 U.S.C. Sec. 1983 rights to be free from

unreasonable police intrusion of privacy and directly and proximately caused Ms. Davis's serious mental injuries and emotional suffering.

WHEREFORE, Plaintiff Cozetta Davis, demands \$50,000 in compensatory damages against each individual Defendant officer, and because the Defendants acted maliciously, willfully and/or wantonly, Plaintiff demands \$50,000 in punitive damages from each individual Defendant, plus costs, attorney's fees, and such other additional relief as this Court deems equitable and just.

COUNT IV

42 U.S.C. § 1983 - Failure to Prevent Civil Rights Violation

(1-15). Plaintiff Cozetta Davis, re-alleges paragraphs 1 through 15 above as though fully set forth herein.

16. The above stated violations of the Plaintiff's civil rights and acts of violence against the Plaintiff by Defendant officers were witnessed and encouraged by Officers Mark Gutkowski, Ruben Orta, Donta Hayes, Jorge Rivera, Angel Amador, Nicholas Evangelides, Vrentas, Liberti, and Sgt. Mark Blassucci. Defendant Officers Mark Gutkowski, Ruben Orta, Donta Hayes, Jorge Rivera, Angel Amador, Nicholas Evangelides, Vrentas, Liberti, and Sgt. Mark Blassucci had the opportunity and duty to prevent the violation of Plaintiff Cozetta Davis's civil rights by Defendant Officers Gutkowski, Vrentas and Liberti and but failed to do so.

17. Defendant Officers Gutkowski Officers Mark Gutkowski, Ruben Orta, Donta Hayes, Jorge Rivera, Angel Amador, Nicholas Evangelides, Vrentas, Liberti, and Sgt. Mark Blassucci willfully, maliciously, intentionally or with wantonly failed to prevent the above alleged civil rights violations that were done to Plaintiff Cozetta Davis

and directly and proximately caused Ms. Davis's serious mental injuries and emotional suffering.

WHEREFORE, Plaintiff demands \$50,000 in compensatory damages against all Defendant officers, and because the Defendants acted maliciously, intentionally, willfully and/or wantonly, Plaintiff demands \$50,000 in punitive damages from each individual Defendant, plus costs, attorney's fees, and such other additional relief as this Court deems equitable and just.

COUNT V

42 U.S.C. § 1983 - Conspiracy

(1-15). Plaintiff Cozetta Davis alleges and re-alleges paragraphs 1 through 15 as though fully set forth herein.

16. Defendant Officers Mark Gutkowski, Ruben Orta, Donta Hayes, Jorge Rivera, Angel Amador, Nicholas Evangelides, Vrentas, Liberti, and Sgt. Mark Blassucci reached an understanding, engaged in a sequence of events or course of conduct, and otherwise agreed and conspired together to violate the constitutional rights of the Plaintiff Cozetta Davis.

17. All Defendant Officers did reach this understanding and agreement, and did engage in this course of conduct with the mutual purpose, objective, and knowledge that it would deprive the Plaintiff of her rights, privileges and immunities as guaranteed by the Constitution and laws of the United States.

18. Additionally, said conspiracy/joint action violated the Plaintiff's Fourth Amendment rights under the color of law in violation of 42 U.S.C. Section 1983, and was a direct and proximate cause of her pain, suffering and mental anguish.

19. Acting in furtherance of this plan and conspiracy, each of the Defendants committed overt acts, including, but not limited to illegal detention and seizure as fully alleged in paragraphs 1-15. This course of conduct by the Defendants was done willfully, maliciously, intentionally or with reckless disregard and directly and proximately caused the Plaintiff's serious mental injuries and emotional suffering.

WHEREFORE Plaintiff Cozetta Davis, demands \$50,000 in compensatory damages against Defendant Officers Mark Gutkowski, Ruben Orta, Donta Hayes, Jorge Rivera, Angel Amador, Nicholas Evangelides, Vrentas, Liberti, and Sgt. Mark Blassucci and because the Defendants acted maliciously, willfully and /or wantonly, Plaintiff demands \$50,000 in punitive damages from each individual Defendant plus costs, attorney's fees, and such other additional relief as this Court deems equitable and just.

COUNT VI

(Supplemental State Law Claim For Invasion of Privacy)

(1-15). Plaintiff Cozetta Davis alleges and re-alleges paragraphs 1 through 15 as though fully set forth herein.

16. Defendant Officers Mark Gutkowski, Ruben Orta, Donta Hayes, Jorge Rivera, Angel Amador, Nicholas Evangelides, Vrentas, Liberti, and Sgt. Mark Blassucci unreasonably and unjustifiably intruded on Plaintiff Cozetta Davis's privacy and willfully, maliciously, intentionally or with such reckless disregard for their natural consequences as to constitute invasion of privacy under the laws and Constitution of the State of Illinois, and directly and proximately caused Plaintiff Cozetta Davis's serious mental injuries and emotional suffering.

WHEREFORE, Plaintiff Cozetta Davis demands compensatory damages against each and every individual Defendant Officer, and because the defendants acted maliciously, intentionally, willfully and/or wantonly, Plaintiff demands punitive damages against each Defendant individually, plus costs and such other additional relief as this Court deems equitable and just.

COUNT VII

(Supplemental State Law Claim For Assault And Battery)

(1-15). Plaintiff Cozetta Davis alleges and re-alleges paragraphs 1 through 15 as fully set forth above.

16. The acts of Defendant Officers Mark Gutkowski, Ruben Orta, Donta Hayes, Jorge Rivera, Angel Amador, Nicholas Evangelides, Vrentas, Liberti, and Sgt. Mark Blassucci were done maliciously, intentionally, willfully, and with such reckless disregard for their natural consequences as to constitute assault and battery under the laws and Constitution of the State of Illinois, and did directly and proximately cause the Plaintiff Cozetta Davis's serious mental injuries and emotional suffering.

WHEREFORE, Plaintiff demands compensatory damages against Defendant Officers Mark Gutkowski, Ruben Orta, Donta Hayes, Jorge Rivera, Angel Amador, Nicholas Evangelides, Vrentas, Liberti, and Sgt. Mark Blassucci and because the Defendants acted maliciously, willfully and/or wantonly, Plaintiff demands punitive damages against each Defendant individually, plus costs and such other additional relief as this Court deems equitable and just.

COUNT VIII

(Supplemental State Law Claim for Intentional Infliction of Emotional Distress)

(1-15). Plaintiff Cozetta Davis alleges and re-alleges paragraphs 1 through 15 as fully set forth above.

16. Defendant Officers Mark Gutkowski, Ruben Orta, Donta Hayes, Jorge Rivera, Angel Amador, Nicholas Evangelides, Vrentas, Liberti, and Sgt. Mark Blassucci abused their police powers and authority given to them under color of law in conducting an extreme and outrageous search of Plaintiff Cozetta Davis's house, going beyond all bounds of decency.

17. Defendant Officers acted maliciously, willfully, and/or wantonly and with such reckless disregard for their natural consequences as to constitute intentional infliction of emotional distress under the laws and Constitution of the State of Illinois, and did directly and proximately cause severe emotional distress and mental suffering to the Plaintiff Cozetta Davis.

WHEREFORE, the Plaintiff Cozetta Davis demands compensatory damages against Defendant Officers Mark Gutkowski, Ruben Orta, Donta Hayes, Jorge Rivera, Angel Amador, Nicholas Evangelides, Vrentas, Liberti, and Sgt. Mark Blassucci and because the Defendants acted maliciously, willfully and/or wantonly, Plaintiff demands punitive damages against each Defendant individually, plus costs and such other additional relief as this Court deems equitable and just.

COUNT IX

(Respondeat Superior under Illinois Law Against the City of Chicago)

(1-15). Plaintiff Cozetta Davis alleges and re-alleges paragraphs 1 through 15 as fully set forth above.

16. The aforesaid acts of Defendant Officers Mark Gutkowski, Ruben Orta, Donta Hayes, Jorge Rivera, Angel Amador, Nicholas Evangelides, Sgt. Mark Blassucci Vrentas, Liberti, and were done within the scope of their employment as Chicago Police Officers and were willful and wanton; therefore making liable the Defendant City of Chicago, as principal, for the actions of its agents under the doctrine of respondeat superior.

WHEREFORE, Plaintiff Cozetta Davis demands judgment against Defendant City of Chicago, plus costs, and such other additional relief as this Court deems equitable and just.

PLAINTIFF DEMANDS TRIAL BY JURY ON ALL COUNTS.

Respectfully submitted,

The Law Office of Standish E. Willis, LTD.

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